

WILLIAM A. MUNDELL
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MARC SPITZER
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BRIAN C. McNEIL
EXECUTIVE SECRETARY

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ARIZONA CORPORATION COMMISSION

2001 MAY -1 P 3:31


DATE: MAY 1, 2001

DOCKET NO: T-03087A-01-0236

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AZ CORP COMMISSION
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Enclosed please find the recommendation of Administrative Law Judge Stephen Gibelli. The recommendation has been filed in the form of an Order on:

AMERICAN TELCO, INC.
(CANCEL CC&N)

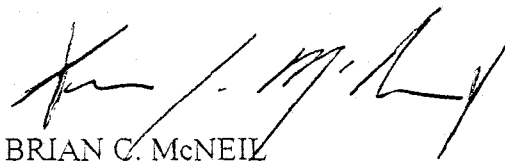
Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

MAY 9, 2001

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

MAY 22, 2001 and MAY 23, 2001

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
CHAIRMAN

3 JIM IRVIN
COMMISSIONER

4 MARC SPITZER
COMMISSIONER

5
6 IN THE MATTER OF THE APPLICATION OF
AMERICAN TELCO, INC., FOR
7 CANCELLATION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
8 COMPETITIVE RESOLD INTEREXCHANGE
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-03087A-01-0236

DECISION NO. _____

ORDER

9 Open Meeting
10 May 22 and 23, 2001
Phoenix, Arizona

11 **BY THE COMMISSION:**

12 Having considered the entire record herein and being fully advised in the premises, the
13 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

14 **FINDINGS OF FACT**

15 1. American Telco, Inc. has a Certificate of Convenience and Necessity ("Certificate") to
16 provide competitive resold interexchange telecommunications services in the State of Arizona
17 pursuant to Decision No. 60231 (June 12, 1997).

18 2. On March 19, 2001, American Telco, Inc. filed with Docket Control of the
19 Commission an application requesting cancellation of the Certificate.

20 3. American Telco, Inc. is no longer an operating company.

21 4. American Telco, Inc. does not serve any Arizona customers and therefore, no
22 prepayments, advances, or deposits are at risk by the cancellation of the Certificate.

23 5. On April 5, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff
24 Report recommending approval of American Telco, Inc.'s application for cancellation of its
25 Certificate of Convenience and Necessity without a hearing.

26 6. Pursuant to Commission rules, the Commission may grant the application without a
27 hearing.

28 ...

CONCLUSIONS OF LAW

1. American Telco, Inc. is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over American Telco, Inc. and the subject matter of the application.

3. The cancellation of American Telco, Inc.'s Certificate is in the public interest.

4. Staff's recommendation in Findings of Fact No. 5 is reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the application of American Telco, Inc. for the cancellation of its Certificate of Convenience and Necessity to provide competitive resold interexchange telecommunications services shall be, and the same is hereby approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of ____, 2001.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT
SG:mlj

SERVICE LIST FOR:

AMERICAN TELCO, INC.

DOCKET NO.

T-03087A-01-0236

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